

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA	)	
	)	
v.	)	Criminal No. 24-CR-10259-MPK-DJC
	)	
MATTHEW FARWELL,	)	
	)	
Defendant	)	

**JOINT INTERIM STATUS REPORT**

Pursuant to Local Rule 116.5(a), the parties state as follows:

**(1) Status of Automatic Discovery and Pending Discovery Requests**

The government produced automatic discovery on September 25, 2024 (Bates Stamped USAO 000001-USAO 016698). Additional discovery was produced by the government on September 24, 2024, October 1, 2024, and October 18, 2024 (through USAO 16876). Defendant has not yet produced any discovery to the government. The government has requested reciprocal discovery under Fed. R. Crim. P. 16(b) and Local Rule 116.1(D).

The defense has made discovery requests thus far that have been agreed to and complied with absent the need for court intervention. The defense has made an additional, more comprehensive discovery request on this date, which the government will review and respond to. The parties anticipate being able to discuss and address those discovery requests without court intervention but will seek a hearing date should conflicts arise. The parties are therefore requesting that the Interim Status date be continued for a period of 45-60 days.

**(2) Timing of Any Additional Discovery to Be Produced**

The government has produced voluminous discovery that, in its view, goes beyond its obligations under the federal and local rules. The government is continuing to review additional

discovery and will produce those materials on a rolling basis. As the government obtains additional Rule 16 discovery, it will provide it to defendant pursuant to Local Rule 116.7.

The parties have identified the need for a filter review of at least two pieces of electronic evidence and an iCloud account that contain privileged communications. The government has proposed a filter protocol and is awaiting the defendant's response regarding its agreement with the protocol and specific filter terms. The parties anticipate reaching an agreement on this matter without Court intervention but will file a motion with the Court requesting further relief if need be.

**(3) Timing of Any Additional Discovery Requests**

Defendant is still reviewing the materials produced thus far and has made additional discovery requests on this date. The defense reserves the right to make additional discovery requests after its review of the discovery produced to date is complete.

**(4) Protective Orders**

The government filed a motion for a protective order with the defendant's assent, and a protective order was entered by the Court on September 9, 2024 (ECF No. 22).

**(5) Pretrial Motions Under Fed. R. Crim. P. 12(b)**

The defendant is reviewing the discovery materials and evaluating the merits of any motions under Fed. R. Crim. P. 12(b). It is too early to determine the timing of any pretrial motions.

**(6) Timing of Expert Witness Disclosures**

Should expert testimony prove necessary, the government agrees to make the requisite expert witness disclosures 90 days before trial; the defendant agrees to make reciprocal

disclosures 60 days before trial; and the government agrees to make disclosures regarding rebuttal experts, if any, 30 days before trial.

**(7) Speedy Trial Act Calculation**

The 70-day period specified in 18 U.S.C. § 3161(c)(1) commenced on August 28, 2024. The Court excluded all time between August 30, 2024 and October 17, 2024 (ECF No. 15) and all time between October 17, 2024 and December 3, 2024 (ECF No. 26).

**(8) Timing of an Interim Status Conference**

The parties request that the Court convene a further interim status conference in approximately 60 days or at a date thereafter that is convenient for the Court. The parties ask the Court to exclude the period until that conference under 18 U.S.C. § 3161(h)(7) in order that the defendant may have adequate time to review discovery. The defendant agrees to exclude the time between December 3, 2024 and the date of the interim status conference from the Speedy Trial calculation.

Respectfully submitted, this 27th day of November 2024,

MATTHEW FARWELL,  
Defendant

/s/ Jane Peachy

Jane Peachy  
Sandra Gant  
Counsel for Defendant

JOSHUA S. LEVY  
United States Attorney

/s/ Elizabeth Riley

Elizabeth Riley  
Brian A. Fogerty  
Torey B. Cummings  
Assistant U.S. Attorneys

CERTIFICATE OF SERVICE

I hereby certify that on November 27, 2024, this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing and paper copies will be sent to those indicated as non-registered participants.

/s/ Elizabeth Riley  
Elizabeth Riley  
Assistant U.S. Attorney